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Legislative Review of State Employee Collective Bargaining Agreements

This information brief explains the process for legislative review of collective bargaining agreements between the state and exclusive representatives of state employees.

State law requires the Commissioner of Employee Relations to negotiate collective bargaining agreements with exclusive representatives of state employees.¹ The law establishes a process for legislative review of these collective bargaining agreements²

The legislative review process has two parts:

- C review and possible interim approval by a legislative subcommittee, and
- C ratification by the full legislature

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¹ Minn. Stat. §§ 43A.06, 179A.22.

² Minn. Stat. § 3.855.

The Subcommittee on Employee Relations (SER) reviews and may grant interim approval to state employee collective bargaining agreements.

The law provides for a legislative commission or subcommittee to initially review collective bargaining agreements between the state and exclusive representatives of state employees. The Legislative Coordinating Commission (LCC) has created a Subcommittee on Employee Relations (SER) to review collective bargaining agreements and to carry out other powers and duties dealing with state employee compensation and related matters.³

The Commissioner of Employee Relations must submit a negotiated collective bargaining agreement to the chair of the SER for legislative approval. The agreement must be submitted within five days of the date of approval by the commissioner or the date of approval by the affected state employees, whichever is later.

Upon SER interim approval, the agreement is implemented.

When the legislature is not in session, the SER may give interim approval to a negotiated collective bargaining agreement, arbitration award, compensation plan, or salary. Failure of the SER to disapprove a collective bargaining agreement within 30 days constitutes approval.⁴ Upon interim approval by the SER, the collective bargaining agreement is implemented.⁵ State employees covered by the proposed agreement do not have the right to strike while interim approval is in effect.

Upon SER interim rejection, the agreement is not implemented, and further negotiations or a strike could occur.

If the SER rejects a collective bargaining agreement when the legislature is not in session, the collective bargaining agreement is not implemented. New negotiations between the

³ [Minnesota Statutes, section 3.855](#), governs the entire process of legislative review of collective bargaining agreements. This section assigns duties to the LCC. However, [Minnesota Statutes, section 3.305, subdivision 6](#), authorizes the LCC to establish subcommittees and similar bicameral groups and to delegate specific LCC powers and duties to these groups. The LCC created SER under this authority and delegated to the subcommittee the LCC authority under [section 3.855](#). This delegation extends only until January 2003. Because of the delegation of authority, this information brief refers to the SER, instead of the LCC.

⁴ The process for arbitration awards, compensation plans for nonunionized employees, and specified salaries (e.g. state agency heads) is similar to that for collective bargaining agreements. However, failure of the SER to ratify a compensation plan or salaries does not constitute approval. Also, SER does not have authority to modify a collective bargaining agreement before approving it, while it does have authority to modify a compensation plan for nonunionized employees and specified salary proposals.

⁵ If the legislature is in session when the SER approves a contract, the contract is not implemented until it is ratified by the full legislature.

Commissioner of Employee Relations and the exclusive representative could occur. Also, if SER rejection occurs during a legislative interim, state employees have the right to strike.

Agreements must be ratified by the full legislature to be finally approved.

The SER submits approved collective bargaining agreements to the entire legislature for ratification. Approval or disapproval by the SER is not binding on the legislature.

Legislative approval is done by ratifying the agreement.

When the legislature has approved agreements, it has done so by reference (e.g. "The collective bargaining agreement between the commissioner of employee relations and the exclusive representative of state employees, approved by the legislative coordinating commission subcommittee on employee relations on ----, 2000, is ratified."). Legislative ratification of the agreement is the final step in approval of the contract.⁶

Legislative rejection could occur explicitly or by failure to approve the agreement before adjournment.

If the legislature rejects the collective bargaining agreement or adjourns without acting on it, wages or benefit increases provided in the contract must cease to be paid effective upon the rejection of the agreement or adjournment. However, wage or benefit increases previously paid under SER interim approval need not be re-paid.

The statute does not specifically state that the entire contract is void upon legislative rejection or adjournment without action. However, this seems implicit. If the legislature rejects or fails to ratify a collective bargaining agreement, affected state employees and the state could resume negotiations. Also, state employees have the right to strike upon legislative rejection of an agreement or legislative failure to ratify an agreement.

⁶ There is no current statutory authority for the legislature to modify a collective bargaining agreement. If the legislature enacted a law that had the effect of changing the terms of a proposed collective bargaining agreement, it would be difficult to characterize the result as a contract, as it would no longer represent a document voluntarily entered into by the parties.